

1 BARRY J. PORTMAN  
Federal Public Defender  
2 COLLEEN MARTIN  
Assistant Federal Public Defender  
3 555 12<sup>th</sup> St. – Suite 650  
Oakland, CA 94607-3627  
4 Tel. 510-637-3500

5 Counsel for Defendant JAIME ESPINOZA AMARILLAS

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR 08-00324 DLJ  
12 )  
Plaintiff, ) STIPULATION FOR CONTINUANCE  
13 ) AND EXCLUSION OF TIME UNDER  
14 v. ) THE SPEEDY TRIAL ACT, 18 U.S.C.  
15 ) § 3161 ET SEQ. ; **ORDER**  
16 JAIME ESPINOZA-AMARILLAS )  
17 )  
Defendant. )

18 IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS  
19  
20 CONFERENCE currently scheduled for June 20, 2008, at 9:00 a.m. before the Honorable D. Lowell  
21 Jensen, be continued to August 1, 2008 at 9:00 a.m.

22 The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A)  
23 and (B)(iv). The current status is that Mr. Espinoza-Amarillas is charged with a violation of 8  
24 U.S.C. §1326. The defense believes that Mr. Espinoza-Amarillas' father was born in the United  
25 States in 1931, and it may be that Mr. Espinoza-Amarillas is a derivative United States citizen. The  
26

1 defense believes that the case requires significant investigation and gathering of documents dating  
2 back to the 1930s. The defense has begun its investigation, but requires additional time to  
3 adequately explore these issues. For that reason, the parties stipulate to a continuance. The failure  
4 to grant such a continuance would unreasonably deny counsel for the defendant the reasonable time  
5 necessary for effective preparation, taking into account the exercise of due diligence.  
6

7 The parties further stipulate that the time from June 20, 2008 to August 1, 2008 should be  
8 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and  
9 (B)(iv) for adequate preparation of counsel.

10  
11 DATED: June 12, 2008

/S/

12  
13 \_\_\_\_\_  
W. DOUGLAS SPRAGUE  
Assistant United States Attorney

14  
15 DATED: June 12, 2008

/S/

16  
17 \_\_\_\_\_  
COLLEEN MARTIN  
Assistant Federal Public Defender  
Counsel for Jaime Espinoza-Amarillas

18  
19 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
20 “conformed” signature (/S/) within this e-filed document.

21 **ORDER**

22 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in  
23 this case, currently scheduled for Friday, June 20, 2008 at 9:00 a.m. may be continued to Friday,  
24 August 1, 2008, at 9:00 a.m. for status.

25 IT IS FURTHER ORDERED that the time from June 20, 2008 to August 1, 2008, should be  
26

1 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and  
2 (B)(iv) for adequate preparation of counsel so that defense counsel adequately investigate the case.

3 The Court finds that the ends of justice served by the granting of the continuance outweigh the best  
4 interests of the public and the defendant in a speedy and public trial and the failure to grant the  
5 requested continuance would unreasonably deny counsel the reasonable time necessary for effective  
6 preparation, taking into account due diligence.  
7

8  
9  
10 SO ORDERED.  
11

12  
13  
14 DATED: June 16, 2008

15   
16 HONORABLE D. LOWELL JENSEN  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26